

IN THE UNITED STATE DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :	:	
	:	
V.	:	1:08CR60-2
	:	
LAVEL MYNER BEST,	:	
Defendant.	:	

MOTION FOR EVALUATION AND TREATMENT

NOW COMES Anne R. Littlejohn, duly appointed counsel for the Defendant, and pursuant to 18 U.S.C. §3552(b), respectfully moves the Court for a psychiatric exam of the Defendant and appropriate treatment. That in support thereof the undersigned shows unto the Court:

1. That the Defendant was scheduled to be sentenced on January 22, 2009.
2. That counsel met with Defendant in the U.S. Marshal's office before sentencing. That the Defendant was then brought into the courtroom and was waiting with counsel at counsel table before the hearing began. That the Defendant became increasingly emotionally distraught and in a state of panic, expressing that he needed to get out of the physical space he was in (both at the courthouse and at the Forsyth County jail to where he had been temporarily moved for court), that he felt like everything was pressing in on him (by which counsel understood the Defendant to mean that the Defendant felt that the physical space was pressing in on him), that he could not think and was unable to proceed.
3. That counsel has been informed by the Defendant's mother that when the

Defendant was a teenager he was diagnosed as having schizophrenia, but that his father subsequently withdrew him from all treatment. That while counsel has no documentation verifying the diagnosis and has observed no signs of any thought disorder in the Defendant, it does appear that the Defendant does have a past history of psychiatric problems.

4. That the sentencing phase is a critical phase for the Court and the Defendant and it is necessary that the Court have all available information in order to fashion an appropriate sentence. That the Defendant's ability to participate in the sentencing phase is critical to assuring the Court has all information necessary for sentencing. That the Court has power under 18 U.S.C. § 3552 to seek a study in the local community by qualified consultants unless the judge finds that there is a compelling reason for the study to be done by the Bureau of Prisons. That at the present time the Defendant is in federal custody and would be available to transport by the U.S. Marshal's Office to a local mental health facility for evaluation and if necessary, medication.

WHEREFORE, the undersigned prays the Court:

1. That the Court direct that U.S. Marshal's office transport the Defendant to a local qualified mental health center for evaluation and recommended treatment, including medication.
2. For such other and further relief as may seem just and proper.

This 23<sup>rd</sup> day of January, 2009.

s/ Anne R. Littlejohn  
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